

2009SP-028-001

Tennessee Motors of Murfreesboro, Inc.
Map: 106-06 Parcel: 001
South Nashville Community Plan
Council District 17 – Sandra Moore
Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 570 Murfreesboro Pike, approximately 820 feet east of Fesslers Lane (1.28 acres), to permit an existing structure to be utilized for auto sales (used), auto repair, vehicular leasing and all other uses permitted by CS zoning, requested by Tennessee Motors of Murfreesboro, Inc., applicant, for Lineage Realty Co., Inc., owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Rezone to permit auto sales (used), auto repair and vehicular leasing.

Preliminary SP A request to rezone from Commercial Service (CS) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 570 Murfreesboro Pike, approximately 820 feet east of Fesslers Lane (1.28 acres), to permit an existing structure to be utilized for auto sales (used), auto repair, and vehicular leasing and all other uses permitted in the CS zoning district.

Existing Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP-A District - Specific Plan-Auto is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes automobile uses.*

CRITICAL PLANNING GOALS N/A**SOUTH NASHVILLE COMMUNITY PLAN****Existing Policy**

Community/Corridor Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? Yes. The policy does permit auto sales and similar uses when the site plan provides appropriate layout and design that conforms to the intent of the policy. The site is developed, and while the layout and design of the existing site does not conform to the policy, the plan provides some improvements which will bring the property more into conformance with the policy.

PLAN DETAILS

Current Conditions The property is located at 570 Murfreesboro Pike, approximately 820 feet east of Fessler’s Lane. The property is developed, and was once an auto dealership. The site contains a large building, approximately 11,000 square feet in size, and hard surfaced parking area. The site has two access points onto Murfreesboro Pike and also has access to Lannie Boswell Avenue to the north through the adjacent property to the west.

Plan Proposal The plan calls for the existing property to be used for auto sales (used), auto repair and vehicular leasing and all other uses permitted in the CS zoning district. The existing building will be

utilized and there are no proposed major modifications to its exterior. The existing drive near the eastern property line along Murfreesboro Pike will be closed. A retaining wall will be required along the sidewalk and landscaping will be provided between the car display area and sidewalk. The existing pole sign will be removed and no free standing signage is proposed. The only sign will be a wall mounted sign at the front of the building. The plan also calls for additional landscaping areas.

Analysis The request will utilize an existing building which was once a car dealership. While auto-oriented uses may not be conducive to creating a pedestrian-oriented streetscape, the proposal will bring the property closer to the goal of creating a pedestrian-oriented streetscape that is consistent with the intent of the policy. The plan proposes to close one of the existing drives which will remove a break in the sidewalk. The plan also calls for a landscaped area between the sidewalk and car display area, which will provide some improvement. These minor changes will enhance the appearance along Murfreesboro Pike and help to create a more pedestrian oriented environment. Since the specific request is to permit auto sales and related uses, and no thought has been put into other uses permitted in the CS zoning district, then it is not appropriate to include other CS uses in the approval. Permitted uses should only be auto sales (used), auto repair and vehicular leasing.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
3. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
4. Show and dimension right of way along Murfreesboro Pike. Label and show a reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
5. Add plan preparers name and contact information.
6. Remove east access to Murfreesboro Pike, retain west access that aligns with Cleveland Ave.

STAFF RECOMMENDATION Staff recommends approval with conditions. The request is to utilize a previous car lot for used car sales. The plan proposes minor improvements to the site which bring the property more into keeping with the area's Community Center policy.

CONDITIONS

1. Uses in this SP district are limited to auto sales (used), auto repair, vehicular leasing.
2. Revise purpose note on all sheets to reflect intent of the proposal. Purpose note shall indicate that the proposal is to permit auto sales (used), auto repair, vehicular leasing. All other uses in the CS zoning district shall not be permitted and shall be removed from the purpose note.
3. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
4. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
5. Show and dimension right of way along Murfreesboro Pike. Label and show a reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
6. Prior to the issuance of an occupancy permit construction plans for the retaining wall and other improvements along Murfreesboro Pike as shown on the SP shall be approved by the Department

of Public Works. No occupancy permit shall be issued until Public Works has approved construction plans and work has been completed, inspected and approved by the Department of Public Works.

7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

Staff recommended disapproval of this proposal based on comments from Metro Stormwater. Metro Stormwater has reviewed revised drawings from the applicant and has determined that the proposal can be approved.

Approved with conditions, *Consent Agenda (6-0)*

Resolution No. RS2009-150

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-029-001 is **APROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Uses in this SP district are limited to auto sales (used), auto repair, vehicular leasing.
2. Revise purpose note on all sheets to reflect intent of the proposal. Purpose note shall indicate that the proposal is to permit auto sales (used), auto repair, vehicular leasing. All other uses in the CS zoning district shall not be permitted and shall be removed from the purpose note.
3. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
4. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.

5. Show and dimension right of way along Murfreesboro Pike. Label and show a reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
6. Prior to the issuance of an occupancy permit construction plans for the retaining wall and other improvements along Murfreesboro Pike as shown on the SP shall be approved by the Department of Public Works. No occupancy permit shall be issued until Public Works has approved construction plans and work has been completed, inspected and approved by the Department of Public Works.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
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10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

The proposed SP-A district is consistent with the South Nashville Community Plan's Community/Corridor Center policy."